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Amd. Dated August 25, 2004

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 28, 30, 32 and 34 are hereby amended. Claim 1 has been canceled without prejudice or disclaimer. No new matter has been added. Claims 15-40 are pending.

The present invention is directed to a hydrocolloid adhesive mass for medical purposes. The hydrocolloid adhesive mass comprises a mixture of polyisobutylene and a poly(styrene/olefin/styrene) block polymer, a cellulose derivative and an acrylate copolymer with a glass transition temperature below -20°C. Masses comprising a mixture of polyisobutylene and a poly(styrene/olefin/styrene) block polymer and a cellulose derivative suffer a substantial loss of absorption capacity after radio sterilization. The present invention teaches an adhesive mass with improved resistance to deterioration of its absorption capacity after radio sterilization by the addition of an acrylate copolymer with a glass transition temperature below -20°C to a mixture of polyisobutylene and a poly(styrene/olefin/styrene) block polymer and a cellulose derivative.

Claim rejections - 35 U.S.C. § 112

Claims 28, 30, 32 and 34 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 28, 30, 32 and 34 have been amended. Applicants respectfully traverse the rejection. Withdrawal and reconsideration is respectfully requested.

Claim rejections - 35 U.S.C. § 103

Claims 1, 15-30 and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auguste et al. (US 6,051,748 or WO 98/10801) in view of Chen (US

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5,633,010). This rejection is rendered moot, as claim 1 has been canceled and in view of the following. Applicants respectfully traverse the rejection.

Claim 15 is directed to a hydrocolloid adhesive mass for medical purposes. The hydrocolloid adhesive mass comprises a mixture of polyisobutylene and a poly(styrene/olefin/styrene) block polymer, a cellulose derivative and an acrylate copolymer with a glass transition temperature below -20°C.

Auguste teaches a hydrophilic adhesive mass based on a poly(styrene/isoprene/styrene) copolymer, tackifier and acrylate polymer, plasticizer, hydrocolloid and at least one antioxidant. Chen teaches polyisobutylene.

The Examiner asserts that it would have been obvious to one skilled in the art to utilize well known polyisobutylene of Chen as a tackifier in Auguste since Auguste teaches hydrocarbon resins as tackifiers and since polyisobutylene is the well known hydrocarbon tackifier absent showing otherwise. Applicants respectfully disagree with this assertion. It is to be noted that the low molecular weight polyisobutylene is not used as a tackifier in the claimed invention. Furthermore, Auguste lists tackifying resins, (col. 3, lines 26-35) which are the same tackifying resins listed in the present invention (page 7, lines 8-14). The listed tackifying resins are very different, as far as their chemical nature is concerned, when compared to low molecular weight polyisobutylenes. Even though Chen teaches polyisobutylene as a tackifier, it is to also be noted that it is only for use in an adhesive mass based on hydrophobic unsaturated aliphatic homopolymer, which is not and cannot be the poly(styrene/isoprene/styrene) of Auguste. Poly(styrene/isoprene/styrene) is a block copolymer which is clearly excluded from the definition of a hydrophobic unsaturated aliphatic homopolymer taught by Chen. Chen

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teaches the "substitution of other monomers with the polymer chain of the homopolymer (e.g. random block and sequential polymer) is not considered within the present invention" (col. 4, lines 19-23).

Therefore, the cited references teach away from their combination as presented above. Furthermore, neither Auguste nor Chen disclose or suggest an adhesive mass for improved resistance to deterioration of its absorption capacity after radio sterilization. That is, it is not obvious why a person skilled in the art would have used the adhesive mass taught by Auguste and the polyisobutylene taught by Chen to improve resistance to deterioration of the absorption capacity of a hydrocolloid adhesive mass after radio sterilization. As there is no motivation in the art to suggest the combination of Auguste and Chen, Auguste fails to render obvious the features of independent claim 15. Chen does not remedy the deficiency of Auguste.

Claims 16-30 and 33-40 depend either directly or indirectly from claim 15. For the reasons discussed above for claim 15, withdrawal of the rejection is respectfully requested.

Claims 1 and 15-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auguste et al. (US 6,051,748 or WO 98/10801) in view of Chen (US 5,633,010) and further in view of Kubo et al. (US 6,146,654). Applicants respectfully traverse the rejection. This rejection is rendered moot, as claim 1 has been canceled and as claims 16-40 depend either directly or indirectly from claim 15. For the reasons discussed above for claim 15, withdrawal of the rejection is respectfully requested. Furthermore, neither Chen nor Kubo remedy the deficiency of Auguste.

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Claims 1, 15-33 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US 4,738,257) in view of Auguste et al. (US 6,051,748 or WO 98/10801). This rejection is rendered moot, as claim 1 has been canceled and in view of the following. Applicants respectfully traverse the rejection.

Claim 15 is directed to a hydrocolloid adhesive mass for medical purposes. The hydrocolloid adhesive mass comprises a mixture of polyisobutylene and a poly(styrene/olefin/styrene) block polymer, a cellulose derivative and an acrylate copolymer with a glass transition temperature below -20°C .

Meyer teaches a barrier composition comprising polyisobutylene, an elastomer, hydrocolloids, tackifier and poly(styrene/olefin/styrene) copolymer. The hydrocolloids comprise a mixture of sodium CMC and sodium polyacrylate. Auguste teaches an acrylate copolymer having a Tg of less than 20°C and an antioxidant.

The Examiner asserts that it would have been obvious to one skilled in the art to use the acrylate copolymer taught by Auguste in Meyer since Meyer teaches a sodium polyacrylate and since said sodium acrylate encompasses the instate acrylate copolymer and since the use of an antioxidant in adhesive compositions is a routine practice in the art. Applicants respectfully disagree with this assertion. The sodium polyacrylate taught by Meyer does not encompass the acrylate polymer used in either Auguste. Meyer teaches a sodium polyacrylate as a super absorbent (col. 5, lines 58-59), which is a hydrophilic product capable of absorbing large quantities of fluid (col. 5, lines 40-50). On the contrary, the polyacrylate used in Auguste is a hydrophobic product that cannot absorb any fluid. The polyacrylate polymers suitable for carrying out Auguste, are pressure sensitive acrylate compounds which are usable in solventless coating processes,

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known as hot melt processes (col. 4, lines 62-65). In view of this and contrary to the Examiner's assertion, sodium polyacrylate does not encompass the acrylate copolymer of Auguste. In view of the fact that the acrylate polymer of Auguste is not a super absorbent, there would be no motivation to use an acrylate polymer taught by Auguste in Meyer.

Therefore, the cited references teach away from their combination as presented above. Furthermore, neither Meyer nor Auguste disclose or suggest an adhesive mass for improved resistance to deterioration of its absorption capacity after radio sterilization. That is, it is not obvious why a person skilled in the art would have used the adhesive mass taught by Meyer and polyacrylate polymer taught by Auguste to improve resistance to deterioration of the absorption capacity of a hydrocolloid adhesive mass after radio sterilization. As there is no motivation in the art to suggest the combination of Meyer and Auguste, Meyer fails to render obvious the features of independent claim 15. Auguste does not remedy the deficiency of Meyer.

Claims 16-33 and 35-40 depend either directly or indirectly from claim 15. For the reasons discussed above for claim 15, withdrawal of the rejection is respectfully requested.

Claims 1 and 15-40 are rejected under 35 U.S.C. 103(a) as obvious over Meyer et al. (US 4,738,257) in view of Auguste et al. (US 6,051,748 or WO 98/10801) and further in view of Chen (US 5,633,010). Applicants respectfully traverse the rejection. This rejection is rendered moot, as claim 1 has been canceled and as claims 16-40 depend either directly or indirectly from claim 15. For the reasons discussed above for claim 15,

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withdrawal of the rejection is respectfully requested. Furthermore, neither Chen nor
Auguste remedy the deficiency of Meyer.


In view of the above, favorable reconsideration in the form of a notice of
allowance is requested. Any questions or concerns regarding this communication can be
directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

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JJG:mmm